

AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** An isolated A recombinant polynucleotide comprising ~~[[a]] the *kstD* promoter from *Rhodococcus*, characterised in that said promoter is the *kstD* promoter.~~
2. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to claim 1, wherein said *Rhodococcus* is *Rhodococcus erythropolis*.
3. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to claim 1 or 2, ~~characterised in that it wherein the promoter comprises nucleotide nucleotides 1-158 from the sequence of SEQ ID NO:3 or a functional part thereof.~~
4. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to claims 1-3 claim 2, further comprising a nucleotide sequence encoding a transcription regulator of said promoter.
5. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to claim 4, wherein the expression of said nucleotide sequence is controlled by steroidal compounds.
6. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to claim 5, wherein said regulator comprises the *kstR* gene or a homologue or a functional part thereof.
7. **(Currently amended)** The recombinant polynucleotide Polynucleotide according to ~~any one of the preceding claims~~ claim 6, further comprising a nucleotide sequence encoding a heterologous polypeptide that is operably linked to said promoter.

8. (Currently amended) The recombinant polynucleotide Polynucleotide according to any one of the preceding claims claim 7, further comprising at least one nucleotide sequence selected from the group consisting of a selectable marker, a counter-selectable marker and/or and a reporter gene.

9. (Currently amended) The recombinant polynucleotide Polynucleotide according to any one of the preceding claims claim 7, further comprising a signal sequence.

10. (Currently amended) A recombinant Recombinant vector comprising [[a]] the recombinant polynucleotide according to any one of the claims 1-9 claim 7.

11. (Currently amended) A recombinant Recombinant vector according to claim 10, further comprising a nucleotide sequence having multiple cloning sites.

12. (Currently amended) A host Host cell transformed with the recombinant vector according to claim 10 or 11.

13. (Currently amended) The host Host cell according to claim 12, wherein said host cell is a bacterium from the order of Actinomycetales.

14. (Currently amended) The Bacterial host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the families of *Actinomycetaceae*, *Corynebacterineae*, *Mycobacteriaceae*, *Nocardiaceae*, *Brevibacteriaceae*, and or *Micrococcaceae*.

15. (Currently amended) The Bacterial host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the genus *Rhodococcus*.

16. (Currently amended) The Bacterial host cell according to claim 13, wherein said host cell is the bacterium *Rhodococcus erythropolis* RG10 as deposited under number DSM 15231 with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen.

17. (Currently amended) The host Host cell according to ~~any one of claims 12-16~~ claim 25, which does not contain a functional *kstR* gene or a homologue or a functional part thereof.

18. (Currently amended) A method Method for producing a desired protein the heterologous polypeptide in a host cell, comprising transforming [[a]] the host cell with [[a]] the recombinant vector of claims 10 or 11 claim 10.

19. (Canceled)

20. (Currently amended) A method Method for constitutive expression of a heterologous protein of interest comprising transforming a host cell which does not contain a functional kstR gene or a homologue or a functional part thereof according to ~~claim 17~~ with a polynucleotide construct wherein the expression of the coding region of said heterologous protein is under control of the *kstD* promoter.

21. (Canceled)

22. (Currently amended) A method Method for identifying compounds that regulate the activity of the *kstD* promoter comprising exposing a host cell according to ~~any one of the claims 12-17~~ claim 14 to at least one compound whose ability to modulate the activity of a *kstD* promoter is to be determined, and monitoring said cell for modulated *kstD* promoter activity.

23. **(New)** The recombinant polynucleotide according to claim 3, further comprising a nucleotide sequence encoding a heterologous polypeptide that is operably linked to the promoter.

24. **(New)** A vector comprising the recombinant polynucleotide of claim 23.

25. **(New)** A host cell transformed with the vector of claim 24.

26. **(New)** The host cell of claim 25, comprising a nucleotide sequence encoding a transcription regulator, wherein the transcription regulator is *kstR* or a homologue or a functional part thereof.

27. **(New)** The host cell of claim 26, wherein the transcription regulator comprises SEQ ID NO.: 6.

28. **(New)** The recombinant polynucleotide according to claim 23, further comprising a nucleotide sequence encoding SEQ ID NO.: 6 or a functional part thereof.

29. **(New)** A method of inducing expression of a heterologous protein, comprising:

providing a host cell having *kstR* activity,

transforming the host cell with a vector comprising a nucleotide sequence encoding the heterologous protein operably linked to a *kstD* promoter from *Rhodococcus*, and

incubating the transformed host cell in media comprising a concentration of steroid sufficient to lift the repressor function exerted by the *kstR* activity.